

Z-08-83

**AN ORDINANCE BY:
ZONING COMMITTEE**

AN ORDINANCE TO CORRECT THE ZONING DESIGNATION FOR PROPERTY AT 881 MEMORIAL DRIVE, SE, LAND LOT 12, OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA FROM I-1/LBS (LIGHT INDUSTRIAL/ LANDMARK BUILDING OR SITE) TO MRC-3-C/LBS (MIXED RESIDENTIAL COMMERCIAL - CONDITIONAL/LANDMARK BUILDING OR SITE); TO REPEAL CONFLICTING LAWS; AND FOR OTHER PURPOSES.

WHEREAS, On October 16, 2006 the City Council adopted ordinance 06-O-1318/Z-06-52, as substituted, rezoning certain properties within the Memorial Drive Corridor-Reynoldstown Neighborhood from various zoning designations to various zoning designations; and

WHEREAS, said rezoning was pursuant to final recommendations of the Memorial Drive-MLK Drive Revitalization Plan, adopted by City Council on October 1, 2001, and approved by the Mayor on October 9, 2001, as well as the Beltline Redevelopment Plan, adopted by City Council on November 7, 2005, and approved on November 9, 2005; and

WHEREAS, this rezoning included property at 881 Memorial Drive, SE which the City Council rezoned from I-1 (light industrial) to MRC-3-C (mixed residential commercial - conditional); and

WHEREAS, the City subsequently adopted ordinance 07-O-0512/Z-07-27 on May 14, 2007, designating the property and structures at 881 Memorial Drive, SE, Land Lot 12, of the Fourteenth District of Fulton County, to the overlay zoning designation of Landmark Building or Site pursuant to Chapter 20 of the zoning ordinance of the City of Atlanta; and

WHEREAS, said ordinance was for the purpose of designating the Great Atlantic & Pacific Tea Company Building as a landmark building or site (LBS); but

WHEREAS, said ordinance mistakenly identified the underlying zoning of said property as I-1 (light industrial) and as being rezoned to I-1/LBS (light industrial/landmark building or site) when in reality the underlying zoning for the property was MRC-3-C and should have been rezoned to MRC-3-C/LBS (mixed residential commercial - conditional/landmark building or site); and

WHEREAS, the city desires to amend to official zoning ordinance to reflect the correct zoning classification of the property.

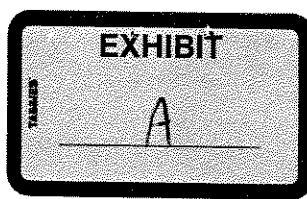
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA:

SECTION 1. That the 1982 Atlanta Zoning Ordinance be amended and the official zoning maps established in connection therewith be changed to reflect that the official

zoning of the property known as the Great Atlantic & Pacific Tea Company Building, located at 881 Memorial Drive, SE, Land Lot 12, 14th District, Fulton County Georgia, and more fully described on Exhibit "A" (legal description) and Exhibit "B" (survey), which exhibits are incorporated herein by reference, is MRC-3-C/LBS.

SECTION 2. That the 1982 Atlanta Zoning Ordinance, as amended, is hereby further amended so as to reflect that the subject property bears, in addition to its MRC-3-C zoning classification, the overlay zoning designation "Landmark Building or Site", which designation shall be officially abbreviated as "LBS" and shall immediately follow the abbreviation for the existing classification. Said property is subject to all zoning regulations contained in the 1982 Zoning Ordinance of the City of Atlanta applicable to both the underlying zoning of MRC-3-C and the general regulations governing Landmark Buildings or Sites contained in Chapter 20 of the 1982 Zoning Ordinance, as amended, as well as any other applicable laws and regulations.

SECTION 3. This amendment is approved under the provisions of Section 16-02.003 of the City of Atlanta Zoning Ordinance entitled "Conditional Development" as identified with the use of the suffix "C" after the district designation. The Director of the Bureau of Buildings shall issue building permits for the development of the properties with said "Conditional Development" zoning district designation only in compliance with the applicable conditions of 06-O-1318/Z-06-52, as substituted.



LEGAL DESCRIPTION (BASED ON SURVEY BY VALENTINO)

All that tract or parcel of land lying and being in Land Lot 12 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey entitled "Condominium Plat of: A&P Lofts Condominium", recorded at Condominium Plat Book 17, Page 264, Fulton County Georgia Records, prepared by Valentino and Associates, Inc., (Job #26125; Drawing/File #26125), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a PK (masonry) nail set at the intersection of the easterly right-of-way line of Chester Avenue (apparent 40' r/w) and the southerly right-of-way line of Memorial Drive (AKA State Route #154; apparent 50' r/w).

THENCE proceeding along said southerly right-of-way line of Memorial Drive South 89 degrees 31 minutes 19 seconds East for a distance of 188.40 feet to a brass disk found at the northwesterly corner of the mitered intersection of said southerly right-of-way line of Memorial Drive and the westerly right-of-way line of Glenwood-Memorial Connector (AKA State Route Spur #154; r/w varies);

THENCE proceeding along said miter line South 50 degrees 12 minutes 12 seconds East for a distance of 34.35 feet to a concrete r/w monument found on the westerly right-of-way line of Glenwood-Memorial Connector;

THENCE proceeding along said westerly right-of-way line of Glenwood-Memorial Connector, along a curve to the left having a radius of 5759.58 feet for an arc distance of 504.05 feet (said arc being subtended by a chord of South 02 degrees 13 minutes 41 seconds West for a distance of 503.89 feet) to a 1/2" iron pin set;

THENCE departing said westerly right-of-way line of Glenwood-Memorial Connector, along a curve to the left having a radius of 469.28 feet for an arc distance of 234.75 feet (said arc being subtended by a chord of North 34 degrees 02 minutes 26 seconds West for a distance of 232.31 feet) to a 1/2" iron pin set;

THENCE North 48 degrees 22 minutes 16 seconds West for a distance of 98.60 feet) to a 1/2" iron pin set on the easterly right-of-way line of Chester Avenue;

THENCE proceeding along said easterly right-of-way line of Chester Avenue North 01 degrees 49 minutes 04 seconds East for a distance of 269.20 feet to a PK nail set at the intersection of said easterly right-of-way line of Chester Avenue and the southerly right-of-way line of Memorial Drive, said PK nail set being the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 1.789 acres or 77,912 square feet, and is intended to be the same tract of land that was previously conveyed in Deed Book 29833, Pages 173-188, aforesaid records.

EXHIBIT

B

DRAINAGE STATEMENT

STORM DRAIN(S) SHOWN ON THIS PLAT IS NECESSARY FOR THE PROPER DRAINAGE OF THIS SUBDIVISION. THE CITY OF ATLANTA WILL NOT BE RESPONSIBLE FOR THE EROSION OR OVERFLOW CAUSED BY THE STORM DRAIN(S) OR NATURAL DRAINAGE SWALE(S) NOR BE RESPONSIBLE FOR EXTENSIONS OF THE STORM DRAINS.

DECLARATION OF CONDOMINIUM FOR A & P LOFTS, CONDOMINIUM, IS RECORDED IN DEED BOOK _____, PAGE _____ OF THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA, RECORDS.

MEMORIAL DRIVE; S.R. #154
(APPARENT 50' R/W)

CENTERLINE OF ROAD
(ALSO APPROX
LAND LOT LINE)

GRID NORTH
GEORGIA WEST ZONE

VICINITY MAP
NOT TO SCALE

LEGEND

- IP5 1/2" IRON PIN SET
- RMF CONCRETE RIGHT-OF-WAY MONUMENT FOUND
- RBF REBAR FOUND
- IPF IRON PIN FOUND
- OTF OPEN TOP PIPE FOUND
- CTF CRIMPED TOP PIPE FOUND
- PKF(S) PK NAIL FOUND (OR SET)
- DB PG DEED BOOK & PAGE
- PB PG PLAT BOOK & PAGE
- PP POWER POLE
- PP1R POWER POLE, 1 RISER
- PP1M POWER POLE, HIGH TENSION
- LP LIGHT POLE
- GL GROUND LIGHT
- GW GUY WIRE
- TSP TRAFFIC SIGNAL POLE
- TSB TRAFFIC SIGNAL BOX
- EB ELECTRIC BOX
- EM ELECTRIC METER
- AC HEATING/AIR CONDITIONING UNIT
- CTVB CABLE TELEVISION BOX
- UTB UNDERGROUND TELEPHONE BOX
- UTM UNDERGROUND TELEPHONE LINE MARKER
- MHT TELEPHONE MANHOLE
- MHW WATER MANHOLE
- ICV IRRIGATION CONTROL VALVE
- PH FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- FDC FIRE DEPARTMENT CONNECTION
- UGM UNDERGROUND GAS LINE MARKER
- GV GAS VALVE
- GM GAS METER
- BH BORING HOLE
- CO CLEANOUT
- BO BOLLARD
- SP SIGN POST
- V-NOTCH IN CURB
- WN WATER LINE
- W WATER LINE
- UE UNDERGROUND GAS LINE
- UE UNDERGROUND ELECTRIC LINE
- UT UNDERGROUND TELEPHONE LINE
- UC UNDERGROUND CABLE LINE
- S SANITARY SEWER LINE
- BROKEN LINE NOT TO SCALE
- EDP EDGE OF PAVEMENT
- DI STORM WATER DROP INLET
- YI STORM WATER YARD INLET
- CI STORM WATER CURB INLET
- JB STORM WATER JUNCTION BOX
- CBWS SINGLE WING CATCH BASIN
- CBW DOUBLE WING CATCH BASIN
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- PVC PLASTIC PIPE
- DIP DUCTILE IRON PIPE
- CLAY CLAY PIPE
- CPP CORRUGATED PLASTIC PIPE
- HW HEADWALL
- FES FLARED END SECTION
- MSS SANITARY SEWER MANHOLE
- MHT GREASE TRAP MANHOLE
- INVT INVERT ELEVATION
- FFE FINISHED FLOOR ELEVATION
- TBM TEMPORARY BENCHMARK
- BSL BUILDING SETBACK LINE
- CLF CHAIN LINK FENCE
- OP CONCRETE PAD
- 24"CG 24 INCH WIDE CURB & GUTTER
- 6"HE 6 INCH WIDE HEADER CURB
- X 100.00 SPOT ELEVATION
- C-100.00 DEED CALL FOR DISTANCE

NOTE: THIS SURVEYOR BELIEVES THIS IS THE WEST SIDE OF THE 10' WIDE STRIP MENTIONED IN PREVIOUS DEEDS OF THE SUBJECT PROPERTY.

CENTERLINE OF ROAD
(ALSO APPROX
LAND LOT LINE)

LINE PER SURVEY BY STREET SMARTS.

OLD FLAT SHOALS ROAD

PARKING SPACE COUNT

REGULAR SPACES: 97
HANDICAP SPACES: 3
TOTAL SPACES: 100

CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TOPCON 302 TOTAL STATION WITH AN ANGULAR ERROR OF 0 SECONDS PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 185,104 FEET. THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 175,456 FEET.

UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE INFORMATION ONLY. THE UNDERSIGNED SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THEIR EXACT LOCATION. ADDITIONAL BURIED UTILITIES AND/OR STRUCTURES MAYBE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES LINES AND/OR STRUCTURES.

GENERAL NOTES

- ALL UNDERGROUND UTILITIES SHOWN ON THIS SURVEY SHOULD BE CONSIDERED APPROXIMATE ONLY AND THE CONTRACTOR MUST NOTIFY THE UTILITY PROTECTION SERVICE AT (800) 282-7411 OR (770) 623-4344 THREE WORKING DAYS PRIOR TO CONSTRUCTION.
 - ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13121C0378 E, DATED JUNE 22, 1998 FOR FULTON COUNTY, GEORGIA, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A.
 - CURRENT ZONING ACCORDING TO THE CITY OF ATLANTA IS LISTED AS I-1, LIGHT INDUSTRIAL DISTRICT. THE CITY OF ATLANTA ZONING DEPARTMENT MUST BE REFERENCED FOR ALL REQUIREMENTS UNDER THIS ZONING.
- BUILDING SETBACKS:
MINIMUM FRONT SETBACK = 40 FEET.
MINIMUM SIDE SETBACK (ADJACENT TO A STREET) = 1/2 THE FRONT SETBACK, 20 FEET.
MAXIMUM BUILDING HEIGHT IS LIMITED ONLY BY TRANSITIONAL HEIGHT PLANES.

SURVEYOR'S ACKNOWLEDGEMENT

I, GLENN A. VALENTINO, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND COMPLIES WITH THE PROVISIONS OF SECTION 44-3-83 OF THE GEORGIA CONDOMINIUM ACT.

GLENN A. VALENTINO DATE
GEORGIA PROFESSIONAL LAND SURVEYOR NO. 2528

GRAPHIC SCALE - FEET

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS

1280 WINCHESTER PARKWAY SUITE 243 SMYRNA, GEORGIA 30080
PHONE (770) 438-0015 FAX (770) 435-6050

CONDOMINIUM PLAT OF:
A&P LOFTS CONDOMINIUM
FOR
A&P LOFTS, LLC

LAND LOT 12 14TH DISTRICT CITY OF ATLANTA, FULTON COUNTY, GEORGIA

FIELD DATES: 12/11/06 - 12/15/06